

REMARKS

Claims 1-20 are pending in the application.

The examiner's claim rejections are traversed below.

I. TRAVERSE OF THE ANTICIPATION REJECTION

The examiner rejected claims 1-4 and 12-20 for being anticipated by Hopkins (USP 5,982,497). It is the examiner's position that the Hopkins reference discloses every feature of the rejected claims.

In order to anticipate, a reference must disclose every feature of the claimed invention. Claim 1 is directed to an imaging spectrometer that includes "at least one polarising beam splitter". Hopkins does not anticipate claims 1-4 and 12-20 because it does not disclose any embodiment that includes a polarising beam splitter. Instead, the Hopkins embodiments use spectral filters (see Figures 1 and 3), interference filters (Figures 4-5) or dichroic filters (Figure 9). Moreover, the portion of Hopkins cited by the examiner as disclosing a polarising beam splitter – column 7, lines 44-54 - does not mention polarising beam splitters at all. Instead, the cited Hopkins excerpt discloses the use of a combination of a set of inference filters 42 and a corresponding set of reflecting surfaces 44 as a beam splitter. The interference filter/reflecting surface combination is not a polarizing beam splitter. For at least this reason, Hopkins does not disclose every feature of independent claims 1 and 20 and claims 1-4 and 12-20 are novel and patentable over Hopkins.

II. TRAVERSE OF THE OBVIOUSNESS REJECTION

The examiner rejected claims 5-11 for being obvious over Hopkins in view of Greivenkamp (USP 4,575,193). The examiner's obviousness rejection relies upon Hopkins for disclosing a polarising beam splitter. As demonstrated in Section I above, Hopkins does not disclose a polarising beam splitter. For this reason, the combination of references cited by the examiner fail to disclose every feature of claims 5-11 and claims 5-11 are nonobvious and patentable over the cited prior art.

CONCLUSION

Claims 1-20 are patentable over the cited prior art for the reasons indicted above. Favorable reconsideration and allowance of all pending application claims is, therefore, courteously solicited.

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